UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

SPECIAL POLITICAL AND
DECOLONIZATION COMMITTEE
(FOURTH COMMITTEE)
3rd meeting
held on
Monday, 9 October 1995
at 3 p.m.
New York

SUMMARY RECORD OF THE 3rd MEETING

Chairman: Mr. MUTHAURA (Kenya)

CONTENTS

REQUESTS FOR HEARINGS

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued)

Hearing of representatives of Non-Self-Governing Territories

Hearing of petitioners

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.4/50/SR.3
18 October 1995

ORIGINAL: ENGLISH

95-81463 (E)

The meeting was called to order at 3.40 p.m

REQUESTS FOR HEARINGS

1. The CHAIRMAN informed the Committee that he had received a communication containing a request for a hearing relating to Guam under agenda item 18. He suggested that, in accordance with the usual practice, it should be circulated as a Committee document and considered at a subsequent meeting.

2. It was so decided.

3. The CHAIRMAN drew attention to 11 communications containing requests for hearings concerning agenda item 18, relating to Gibraltar (A/C.4/50/2 and Add.1), New Caledonia (A/C.4/50/3), Western Sahara (A/C.4/50/4 and Add.1) and Guam (A/C.4/50/5 and Add.1-5). He took it that the Committee wished to grant those requests.

4. It was so decided.

5. The CHAIRMAN informed the Committee that, in connection with Mr. Ruddy's request for a hearing on the question of Western Sahara, he had consulted the parties concerned and other officers of the Committee, as well as with the Office of Legal Affairs, which had provided its views on the matter. He intended to consult further with the parties concerned, and Committee officers and would report back to the Committee.

6. Mr. LAMAMRA (Algeria) said that before the Committee could act on the request, the routine matter of its circulation must first be settled; the objection voiced by one delegation should not constitute a right to veto that circulation. He was not opposed to further consultations, but found it incongruous that reference should be made to a request which had not yet been circulated to the Committee to which it was addressed. He therefore requested clarification of the Chairman's intentions concerning its circulation, which should precede any further steps.

7. Mr. BELCAID (Morocco) said that his delegation would continue to oppose the circulation of Mr. Ruddy's request.

8. Mr. SAMADI (Islamic Republic of Iran), supported by Mr. MWAMBULUKUTU (United Republic of Tanzania) and Mr. SENGWE (Zimbabwe), said that he endorsed the Chairman's intention to continue consultations.

9. Mr. LAMAMRA (Algeria) reiterated the concern expressed by the representative of Cuba at the previous meeting that further consultations would disrupt the Committee's adopted work schedule. Mr. Ruddy was a private individual who could not prolong his stay indefinitely to await the Committee's reply to his request. He therefore hoped that reason would prevail to allow Mr. Ruddy to address the Committee. He formally requested, however, that no document concerning Mr. Ruddy's request should be circulated if the request itself had not first been officially circulated to the Committee, since it would

be both paradoxical and scandalous that a right of reply should be exercised if the Committee was unaware of the subject matter.

10. The CHAIRMAN said that the timetable was flexible enough to allow, if necessary, for the hearing of an additional petitioner and that consultations on the matter would continue the following day.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued)

Hearing of representatives of Non-Self-Governing Territories

Question of Gibraltar

11. At the invitation of the Chairman, Mr. Bossano (Chief Minister of Gibraltar) took a place at the table.

12. Mr. BOSSANO (Chief Minister of Gibraltar) observed that the people of Gibraltar had been demanding self-determination since 1963. The United Kingdom, the administering Power in Gibraltar - and as such under a Charter obligation to develop self-government and take account of the political aspirations of Gibraltarians - was, it should be noted, a signatory to the International Covenant on Civil and Political Rights establishing the universal applicability of the right to self-determination. Gibraltar was one of the few remaining colonial Territories and demanded to be allowed, like all the rest, to determine its own political status.

13. His Government had participated actively in the mid-term review of the Plan of Action for the International Decade for the Eradication of Colonialism, called for in General Assembly resolution 49/89 of 16 December 1994. The seminar held for the purpose by the Special Committee on decolonization had given the Non-Self-Governing Territories an excellent opportunity to explain their own situations and to explore with the Special Committee the broad spectrum of decolonization options open to them, all of them based, of course, on self-determination. Gibraltar had asked the Special Committee to review the relevance to the country of article 10 of the Treaty of Utrecht of 1713, because the administering Power was citing it as the only impediment to full recognition of his people's right to self-determination. His Government had formally and repeatedly rejected that argument. Obviously no political status options could be available to the people of Gibraltar if their only choice was to be a colonial possession either of London or of Madrid. As the elected leader of the people of Gibraltar, he now asked the Committee to authorize the Special Committee on decolonization to seek an advisory opinion from the International Court of Justice regarding the applicability to Gibraltar of the article in question.

14. As required by the Plan of Action for the Decade, Gibraltar had continued to publicize the role of the United Nations in decolonization, particularly as part of its National Day activities. The people of Gibraltar were extremely conscious of the drive for self-determination and for decolonization, and their Government had maintained a high level of involvement in the work of the United

Nations in that field. His people had faith in the Organization as the forum which championed the concept of equality.

15. Equality, sad to say, had been totally absent from the decisions on Gibraltar adopted annually by the Committee, each of which, at Spain's insistence, had treated Gibraltar as if it did not exist. To support the untenable position that the decolonization of Gibraltar was not a case of self-determination but of the restoration of Spain's territorial integrity, Spain had interpreted the call for negotiations between it and the United Kingdom, in General Assembly resolution 2429 (XXIII) of 18 December 1968, as an authorization to claim the Territory. No General Assembly resolution, however, could - as Spain claimed - create a doctrine depriving a particular people of a universal, inalienable right.

16. The people of Gibraltar also rejected General Assembly resolution 2353 (XXII) of 19 December 1967, which had rejected the 1967 referendum held in Gibraltar, because by singling out the principle of territorial integrity and by referring to the disruption of national unity, the resolution could be interpreted as an endorsement of the Spanish claim to sovereignty over Gibraltar. Such a resolution, which appeared to condemn a free consultation of the wishes of a colonial people, had been without precedent in the Fourth Committee. The United Kingdom representative in the Committee at the time, Lord Caradon, had rightly declared it unworthy of the United Nations and a disgrace to the Committee, as was every subsequent resolution reaffirming such a position.

17. Gibraltar could be decolonized only in keeping with the procedures established in the Plans of Action endorsed by the General Assembly in 1980 and 1991 for the remaining Non-Self-Governing Territories. In that connection, he drew the attention of the Committee to paragraph 5 of resolution 35/118 of 11 December 1980 rejecting unilateral action by colonialist Powers which violated the right of Territories to self-determination.

18. The Special Committee, after three years of direct dialogue with the representatives of Gibraltar, had acquired a new perspective on the question of Gibraltar and a better understanding of its people's aspirations. His Government expected a similar response to develop in the General Assembly. It also hoped to see a change in Spain's attitude and a new commitment on its part to self-determination for all peoples, including the Gibraltarians.

19. He formally invited the Secretary-General or a special representative to visit Gibraltar at the earliest possible date and report thereon to the General Assembly, in accordance with paragraph 8 of the 1991 Plan of Action (A/46/634/Rev.1). His Government was also fully committed to the holding of a referendum on self-determination, under the auspices of the United Nations, no later than 31 December 1999, as called for in paragraph 7 of the Plan. It looked to the Committee to stand by the people of Gibraltar.

20. Mr. Bossano withdrew.

Hearing of petitioners

Question of Gibraltar (A/C.4/50/2 and Add.1)

21. At the invitation of the Chairman, Mr. Schoenmakers (Dutch Group of the Friends of Gibraltar International) took a place at the petitioners' table.

22. Mr. SCHOENMAKERS (Dutch Group of the Friends of Gibraltar International (FGI)) said that FGI, officially founded on 1 January 1994, was a movement of individuals all over the world who supported the people of Gibraltar in their struggle for their national rights. It had over 1,500 members in 64 countries who, as democrats, believed in the rights of the individual and society to decide what future they wished to have. It was unacceptable that a theoretically democratic country - Spain - should attempt to annex a territory lost three centuries earlier, without regard for the feelings of those living there. When it came to the issue of Gibraltar, Spain was still in thrall to General Franco's nationalistic megalomania. It was hard to understand otherwise why it continued to harass Gibraltar and why its subjective feeling that Gibraltar was part of its territory could overrule the right of Gibraltarians to choose for themselves. Gibraltar had been part of Spain until 1704, but not since then. He wondered why Spain sought to delete 291 years of Gibraltar's history to satisfy its own subjective pride.

23. Perhaps the Committee wished to avoid disturbing the United Kingdom and Spain and to continue pretending that Gibraltar was a bilateral problem for those countries. If, on the other hand, the international community was really eager to fulfil the mandate of the International Decade for the Eradication of Colonialism, it should do more to understand Gibraltar's true nature and its aspirations. Gibraltar was a nation, neither English nor Spanish, but with a fully distinct identity. It wanted self-determination, and he called on the Committee to make that possible.

24. Mr. Schoenmakers withdrew.

25. At the invitation of the Chairman, Miss Roebken (International Federation of Liberal and Radical Youth) took a place at the petitioners' table.

26. Miss ROEBKEN (International Federation of Liberal and Radical Youth (IFLRY)) said that IFLRY, the forum for the youth organizations of liberal political parties all over the world, represented more than a million young liberals in over 45 countries. It campaigned for political and civil rights in cases where they were lacking, and Gibraltar was one of those cases.

27. IFLRY had supported the democratic decolonization of Gibraltar since 1991, and its constituents were concerned at the way the issue was addressed by both the metropolitan Power and the country seeking to annex Gibraltar. IFLRY believed that the reason why the international community had failed to recognize the fundamental rights of Gibraltar was that both the United Kingdom and Spain were influential members of the United Nations. There were no other serious impediments to Gibraltar's national freedom. While a representative of Spain would doubtless claim that Spain was ready to respect the interests of the Gibraltarian population, her belief was that they were a people not a

population, with rights that must be respected. She condemned the ultra-nationalistic position adopted by Spain on the issue, for the sake of a small piece of land lost 300 years earlier. On that issue alone Spain seemed not to have evolved since the times of its fascist dictatorship, but took every opportunity to harass the Gibraltarians, who had never been Spanish - having settled in the territory after 1704 - and never would be Spanish.

28. Unless the international community helped Gibraltar avoid the grasp of Spain the problem might break out of the bounds of politics. The people of Gibraltar were sick and tired of being denied of their most elementary human, civil and collective rights. In accordance with the aims of the International Decade for the Eradication of Colonialism the United Nations should take a lead in securing Gibraltar's rights.

29. Miss Roebken withdrew.

Question of New Caledonia (A/C.4/50/3)

30. At the invitation of the Chairman, Mr. Uregei (Congrès Populaire) took a place at the petitioners' table.

31. Mr. UREGEI (Congrès Populaire) said that following the announcement by the President of France on the resumption of nuclear tests an anti-nuclear movement had been formed in New Caledonia, comprising churches, political parties, trade unions and environmental groups, as well as other individuals and groupings. The movement had adopted a motion calling for the complete and immediate cessation of tests, recalling their dangers locally and world wide and noting that the United Nations General Assembly had condemned all military activity carried out by colonial Powers in Territories administered by them.

32. The General Assembly had also stated that colonial Territories should not be subjected to nuclear experiments or the testing of weapons of mass destruction. The countries of the South Pacific Forum had in 1985 adopted a treaty for the denuclearization of the Pacific, and the Melanesian Spearhead Group had condemned the decision of the French Government to resume nuclear testing in the Pacific. In April 1995 the European Parliament had expressly required member States of the European Union to abstain from nuclear testing. In June it had adopted a resolution regretting the French decision to resume such testing. Several thousand people had mounted peaceful anti-nuclear protests during July and August 1995; on 13 September 10,000 had marched through the streets of Nouméa. The movement demanded that the peoples concerned should be consulted and called on Australia to cease exporting uranium for the nuclear industry. It also called on the President of France to reverse his decision, bearing in mind that 65 per cent of French people were opposed to the resumption of nuclear tests in Polynesia. That position was supported by the evangelical church of New Caledonia and the Loyalty Islands, given the threats represented to the atolls by constantly repeated underground explosions and the release of dangerous toxins.

33. The South Pacific should be completely denuclearized, but that could be achieved only by full independence for the colonies concerned. France's nuclear testing centre had been based in Algeria, but once that country had become

independent the centre had been transferred to Mururoa Atoll. The questions of independence for a colony and nuclear testing were intertwined. He requested that Tahiti should be added to the list of Non-Self-Governing Territories, along with New Caledonia. In the latter the Congrès Populaire and the 32 traditional dignitaries - who were the true guardians of the Kanak people - had proclaimed the sovereignty of that people on 24 September 1994. Their decision had been communicated to the President of France, the Constitution of which recognized the customs and status of the Kanak people, but no response had yet been received.

34. The political situation in the Territory was still confused. The French Government remained unwilling to grant independence to New Caledonia, which was the third largest producer of nickel in the world. A framework law had permitted local representatives to run the country and thus move towards independence, but for that very reason the law had been rescinded in the 1960s. The French Government was similarly denying independence to the Kanak people. It preferred to fall back on the Matignon Accords, which guaranteed no such independence. Yet, after 141 years of the harmful effects of colonization by France, independence was what Kanaks desired and demanded. The Congrès Populaire awaited an invitation from the President of France to discuss sovereignty for the Kanak people.

35. Mr. Uregei withdrew.

Question of Western Sahara (A/C.4/50/4 and Add.1)

36. At the invitation of the Chairman, Mr. Ahmed (Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO)) took a place at the petitioners' table.

37. Mr. AHMED (Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO)) recalled that the first United Nations commission of inquiry dispatched to Western Sahara 20 years earlier, as well as the International Court of Justice in a subsequent judgement, had failed to support Morocco's claims to the then Territory. The Saharan people had from the start clearly opted for independence, a fact that would have been confirmed by the referendum on self-determination that the United Nations had been urging since 1965, which would have brought about decolonization peacefully and naturally. Instead, Morocco had invaded the country and imposed a brutal colonial occupation which was an affront to the principles of the Charter of the United Nations and which had been resisted for 20 years by the Saharan people.

38. The adoption of the settlement plan for Western Sahara, outlined in Security Council resolutions 658 (1990) and 690 (1991), and subscribed to by both parties, had been made possible by good-faith concessions by the Saharan side, but the subsequent implementation of the agreed arrangements for the proposed referendum had been deliberately subverted by new voter-identification and other conditions demanded by Morocco. Following further concessions by the Saharan party, and a welcome visit to Western Sahara by a Security Council mission in June 1995, the credibility of the self-determination referendum now depended chiefly upon the trustworthiness and transparency of the voter-identification operation, United Nations guarantees of compliance with the

results of the referendum, and the solution of transitional issues like the reduction and cantonment of Moroccan troops, the adoption of a code of conduct, the release of political prisoners and exchange of prisoners of war, and the presence of independent observers.

39. Large-scale fraud was perpetrated by the Government of Morocco. The most flagrant instance was incredible claims made by 3,000 settlers to the Identification Commission; there was a strong possibility that they had been coached to memorize particulars of false identities ascribed to them. The weaknesses of that coaching, however, had not withstood the slightest scrutiny. He therefore wondered how the Commission was to resolve the cases of the thousands of settlers who claim to be Saharans. There was no convincing answer to that question, on which depended the credibility of the referendum operation in Western Sahara. There had been not only an unseemly influx of applications, but evidence that the Government of the occupying Power had gained control over the pace and direction of the process. Evidence for that came from the Security Council mission, the former Vice-Chairman of the Identification Commission, various newspapers and the United States non-governmental organization Human Rights Watch. From all those sources it was clear that the Government of Morocco was putting pressure on all parties to ensure that the referendum process was not carried out in a transparent manner. Human Rights Watch had been harassed itself. In an open letter to the members of the Security Council, it had deplored the regular obstruction of the referendum process and urged the Council to send a strong signal to the Moroccan Government that its interference with the operation of the Mission must cease immediately. It feared that if the Mission were not promptly provided with the necessary tools and authority to organize and conduct a free and fair referendum there was a danger that it would be forced to withdraw.

40. All of the foregoing made it imperative that the United Nations exert the necessary efforts to restore the credibility of the operation and ensure the fair and transparent implementation of the Settlement Plan, as it was not only the credibility of the United Nations that was at stake but also the peace and security of the region.

41. Turning to the human rights situation in Western Sahara, he said that, over the 20 years of its occupation, the Moroccan Government had been responsible for the disappearance of over one thousand Saharans. Hundreds of Saharans were still missing and repression was growing as the referendum drew nearer. After referring to a case, in October 1992, in which MINURSO had refused to protect six young Saharans who had sought shelter at its Smara base and who were subsequently sentenced to 20 years in prison by a Moroccan military tribunal, he noted that more recently - on 23 June 1995 - eight young Saharans had been condemned to sentences of 15 to 20 years imprisonment for participating in a peaceful demonstration in support of independence.

42. The human rights situation in Western Sahara had deteriorated disturbingly since the arrival of MINURSO. The argument that MINURSO could do nothing because human rights did not fall within its mandate could not provide an excuse since the Geneva conventions on the protection of the rights of civilian populations under foreign occupation were rules of humanitarian law that did not require an express mandate for a United Nations mission to uphold them. The

Frente POLISARIO wished to reiterate its request, made in 1993 to the United Nations Human Rights Committee, that a commission of inquiry be sent to Western Sahara. It also wished to inform the Committee that the 200 Moroccan prisoners of war who had been released by the Frente POLISARIO as a gesture of peace in 1989 had not yet been permitted by the Moroccan Government to return to their country.

43. The coming months would be crucial for the future of the peace process. The holding of a fair, free and impartial referendum for the Saharan people to determine its future was the approach agreed to, and the only one consonant with the principles laid down in the United Nations Charter. The Frente POLISARIO also believed that a direct, responsible and constructive dialogue between it and the Kingdom of Morocco could help create a climate conducive to the transparent and fair implementation of the peace plan.

44. Mr. Ahmed withdrew.

Question of Guam (A/C.4/50/5 and Add.1)

45. At the invitation of the Chairman, Mr. Parkinson (Speaker, Twenty-third Guam Legislature) took a place at the table.

46. Mr. PARKINSON (Speaker, twenty-third Guam Legislature) said that although much of the third world had been politically decolonized since the Second World War, most of it had at the same time been economically recolonized. Once saddled with unbearable debt or excessive foreign investment, third world countries became enslaved to the first world. That process was visible in Guam, where the country's economic policies were dictated by lenders rather than by the needs of the people.

47. New forms of economic manipulation, like the various arrangements for "free trade", combined with other factors to create and perpetuate a system whereby the rich industrial nations could continue to exploit the resources of the third world, and the practice of enforcing economic and political dictates through military incursions remained prevalent.

48. The goals of the United Nations must change to reflect the realities of the economic recolonization of the third world. The third world nations could only achieve a position of parity with respect to the internal control of their economies and in negotiating economically with the first world if they united in an economic union of their own. Among the goals of such a union must be a collective repudiation of the debt owed, directly or indirectly, by the third world to the first world; restriction of the ability of the first world and its instrumentalities to exploit the natural resources and labour of the third world; the imposition of trade restrictions and tariffs to protect the resources and industry of third world countries and the imposition of monetary and other controls to thwart economic exploitation by first world interests.

49. The first world, for its part, should learn from the example of the Roman Empire that it would destroy itself unless it ceased to exploit other peoples, reestablished moral values, gave all of the colonial peoples justice in the form of self-determination of their future political status and ended the continuing

economic domination, recolonization and exploitation of the third world. As the next step in Guam's quest for decolonization, he asked the United Nations to send a visiting mission to Guam and to help the Chamorro people to achieve its dream of self-determination.

50. Mr. Parkinson withdrew.

51. At the invitation of the Chairman, Ms. Alvarez Cristobal (Twenty-third Guam Legislature) took a place at the table.

52. Ms. ALVAREZ CRISTOBAL (Twenty-third Guam Legislature) stressed that Guam's draft Commonwealth Act, currently under consideration by the United States, which provided for limited self-government under an interim political status, was not an act of self-determination; instead, it recognized the right to self-determination of the indigenous Chamorro people, an issue which now had overwhelming support in Guam. She was concerned to ensure that the proposed change in political status was not misunderstood, since, in that event, Guam might be removed from the list of Non-Self-Governing Territories, thereby denying the Chamorro people its only means towards decolonization. She hoped that the much delayed review process would soon be completed with a view to approval of the draft Act by the United States Congress. Despite the uncertain outcome of its longstanding initiative on political change, Guam was resolutely prepared to meet the challenge of self-government and would not accept indefinite responses to that initiative.

53. The immigration policies imposed on Guam by the administering Power contravened the relevant United Nations resolutions on decolonization, and had produced a systematic influx of immigrants to Guam, disrupting its demographic composition and seriously threatening the genuine exercise of Chamorro self-determination. Of increasing concern was the economic, as well as social, impact of immigrants from Micronesia, particularly since the administering Power had failed to meet its agreed obligation to provide the requisite economic relief in that connection and disputed the documented costs. Moreover, it had negotiated the relevant immigration agreements without the participation of Guam. She therefore hoped that the Commonwealth Act, as drafted, would succeed in controlling immigration.

54. The administering Power's significant military presence in Guam was changing as a result of to its efforts to reduce military spending. The recommendations of the United States Department of Defense concerning the realignment, transfer or closure of various military facilities, however, would adversely affect Guam's economy in view of the high job losses entailed. A further recommendation was that the United States Government should retain the related assets, including land, for an unspecified future contingency, thereby depriving the people of Guam of the use of such assets for alternative economic activities. Those recommendations were thus wholly unacceptable and untenable, and Guam continued to press the United States Government for the return of assets and land free of the onerous conditions which had been imposed in that connection. Guam's decolonization was therefore impeded by United States military interests, as well as by the land tenure policies applied, the administering Power having confiscated one-third of the country's land for its exclusive use by unilaterally imposing its legal system in that respect.

Such unjustified seizures constituted a violation of the legitimate decolonization process which required that people under colonial rule should control and dispose of their natural resources freely and without interference.

55. Guam's incipient attempts at economic development, which had initially been repressed, focused primarily on the incentives provided for the eligible entry of Guam products into the United States. However, numerous industries in Guam had been eliminated due to subsequent arbitrary changes in the definition of those products. Such actions led to feelings that Guam's economic interests had been sacrificed to overriding strategic concerns. With a view to developing a self-sufficient economy, Guam had begun instead to promote the island as a tourist destination in order to free itself from dependency on funding from the United States. Although its business income had increased enormously as a result, economic diversification was none the less stymied by policies that enabled the administering Power to control prime land on the island. Such constraints should be addressed with a view to allowing an acceptable level of growth to emerge in other sectors.

56. In conclusion, she recommended that the resolution to be developed on the subject should focus on recognition of the right of the indigenous Chamorro people to self-determination; reform of the administering Power's programme concerning the prompt transfer of property to the people of Guam; recognition that the Chamorro people were now a minority in their homeland as a result of immigration into Guam; the need for expeditious negotiations between the administering Power and the Guam Government concerning Guam's draft Commonwealth Act; and the need for the administering Power to accelerate the transfer of land to the people of Guam and take the steps needed to safeguard its property rights, to recognize and respect the political rights of the Chamorro people, as well as its cultural and ethnic identity, and respond to immigration concerns, to facilitate the early dispatch of a visiting mission to Guam, to facilitate participation by the people of Guam in international organizations, and to return all assets and land associated with United States military bases to the people of Guam when and as they closed.

The meeting rose at 6.20 p.m.

UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

SPECIAL POLITICAL AND
DECOLONIZATION COMMITTEE
(FOURTH COMMITTEE)
4th meeting
held on
Tuesday, 10 October 1995
at 10 a.m.
New York

SUMMARY RECORD OF THE 4th MEETING

Chairman: Mr. MUTHAURA (Kenya)

CONTENTS

REQUESTS FOR HEARINGS

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued)

Hearing of petitioners

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued)*

AGENDA ITEM 88: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued)*

AGENDA ITEM 89: ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION (continued)*

AGENDA ITEM 90: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (continued)*

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)*

AGENDA ITEM 91: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES (continued)*

---

* Items which the Committee has decided to consider together.

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.4/50/SR.4
26 October 1995
ENGLISH
ORIGINAL: RUSSIAN

95-81475 (E)

The meeting was called to order at 10.20 a.m.

REQUESTS FOR HEARINGS

1. The CHAIRMAN said he took it that the Committee wished to grant the request for a hearing concerning agenda item 18 relating to Guam (A/C.4/50/5/Add.6).

2. It was so decided.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued) (A/50/23 (Part V, chap. IX, and Part VI, chap. X); A/AC.109/2012, 2013 and Corr.1 and Add.1, 2015 and Add.1, 2016 and Add.1, 2017 and Add.1, 2019 and Add.1, 2020 and Add.1, 2021, 2022, 2025, 2028, 2029; S/1995/240 and Add.1, 404, 779)

Hearing of petitioners

Question of Guam

3. At the invitation of the Chairman, Mr. Teehan (Guam Landowners Association) took a place at the petitioners' table.

4. Mr. TEEHAN said that, although for 15 years representatives of the Chamorro people and of the elected leadership and non-governmental organizations of Guam had been speaking to the Committee during its consideration of the situation in the island, there had still been no perceptible impact on the colonial status of Guam, and the situation could become a tragic failure of the decolonization process during the International Decade for the Eradication of Colonialism.

5. Fifty years earlier, the list of Non-Self-Governing Territories had been a very long one, but, thanks to the decolonization process, many States whose nationals had once been heard by the Fourth Committee as petitioners and had pledged solidarity with the Chamorro people had become full Members of the United Nations.

6. The Pope had recently spoken of the economic colonization of the developing countries. His words served as a harsh reminder that the situation in the third world countries was a direct result of the control of their economies by the developed countries. As a Non-Self-Governing Territory, Guam was dependent on whatever support and protection, albeit limited, the third world countries were able to give it, but the people of Guam were extremely concerned that the neo-colonial status of those countries could be utilized to prevent them from supporting the rights of the Chamorro people. The situation in Guam, over which the Fourth Committee had oversight, must be clearly seen as a violation of the human rights of the inhabitants of a Non-Self-Governing Territory. In view of Guam's strategic value in support of the interests of the United States, the continuing refusal to grant the island sovereignty flouted the principles of democracy.

7. As for the situation in Guam, the processes taking place in the island could be viewed in different ways, but they were not necessarily reflective of the principle of justice, not to mention equal rights. That ran counter to Article 73 of the Charter of the United Nations. In that connection, it should be noted that, despite the statement by the United States that many of the contentious issues of land ownership were being resolved with the closure of certain military bases and the forthcoming release of the land occupied by those facilities, the fact was that no title to any lands had been transferred to Guam, nor was such an action likely to occur in the foreseeable future. Under federal legislation, there were many restrictions which prevented the release of those lands. Moreover, if the Chamorro people failed to meet the requirements imposed by the United States, they would have to compete with outside interests for the right to purchase land. Any action leading to the direct return of title to the lands to those families which had originally owned them was also prohibited.

8. The political leadership in Guam was attempting to resolve that complicated issue. Unfortunately, however, its efforts continued to be hampered by colonial structures which severely restricted its ability to enact equitable solutions. In that connection, he supported the proposal that the resolution to be adopted should include an appeal to the United States to accelerate the process of the return of land. He would suggest, however, that the resolution should also include a provision requiring that that process should be conducted without restrictions, as well as a provision calling for a visiting mission.

9. A significant step towards an interim solution to the problem would be the adoption of the proposed Guam Commonwealth Act. The ultimate solution, however, lay in the legitimate exercise by the Chamorro people of their right to self-determination and the subsequent structuring of a political system which would allow them to keep their own culture and take their place in the modern world in their own right.

10. Mr. Teehan withdrew.

11. At the invitation of the Chairman, Mr. Artero took a place at the petitioners' table.

12. Mr. ARTERO said that private property rights in Guam had been taken away by the Government. The forced confiscation of land had resulted in the people of Guam losing control of a significant part of the island, including the most productive lands. The people of Guam had been deprived of the opportunity to develop their own economy and social structure. Despite the statement by the Department of State that life expectancy among Americans was increasing, the people of Guam were dying at a young age from various diseases. As a result of the improper use of the land, the island, which had once been environmentally clean, had now become a dump laden with waste, including toxic waste which polluted the drinking water.

13. The fact that the taxes collected in Guam remained in the island did not mean that the island had its own system of representation in the organs of power. That arrangement had been decided upon unilaterally by the Federal Government. Tax systems were designed not only so that the Government could

collect money, but also to ensure the success of the economy over which the Government had control.

14. Giving a brief historical outline, he said that Guam had a strategic importance for the United States. Having taken control over Guam, the United States had pursued three objectives: to win the war; to test nuclear bombs at a safe distance from the United States; and to obtain land abroad at the lowest possible price to coordinate the nuclear testing.

15. After the Second World War, in a calculated action, private property rights had been blatantly violated through cavalier military manoeuvres and precious lands had been seized from a war-torn people. The United States had taken advantage of the people of Guam at their weakest moment, as they emerged from a devastating war. Taking lands without just compensation from people without representation had turned out to be a very simple matter.

16. Over half the lands taken had been left idle ever since for no good reason. Taken with those lands had been the livelihood of the people and adequate compensation had not been paid.

17. There was ample room for the local and national governments to coexist with the island people. If the people had been afforded their rights and their finite land resource, there could have been harmony and prosperity. But the economic freedom extinguished by the federal Government in 1944 was currently perpetuated by the local government.

18. The national Government and the local organs of power should free the land and the people in order to maintain the peace. Next to the right of personal liberty, the right to property was the most valuable right in building up society in Guam. Righting the wrongs would bring about stable economic growth. It would be an excellent replacement for the counterproductive military economy, which had no place in the new world order.

19. Mr. Artero withdrew.

20. At the invitation of the Chairman, Mr. Orsini (Senator, Twenty-third Guam Legislature) took a place at the petitioners' table.

21. Mr. ORSINI said that political, economic and social changes were taking place in the world, leading to a new world order. What had once been enforced politically or militarily was currently enforced economically. By and large, alliances were economic, not military in nature; allies were economic partners, not countries with similar ideologies.

22. Guam's neighbours had the world's fastest growing economies. They were confident that their standard of living was improving, that their poor would soon be employed, that their children would become better educated, and that they would be taken seriously as economic actors on the world stage.

23. By changing the political status of Guam, its people could become part of that trend. They could do so, however, only if they could forge their own destiny, pursue their own aspirations, make their own decisions, establish their

potential and create their own economic interdependence with nations of their own choosing.

24. Guam did not wish to sever completely its political relationship with the United States. It believed that the United States military presence provided regional stability. Guam also shared philosophies and ideologies with the United States. At the same time, it wished to begin the process of exploring economic freedom.

25. Temporary commonwealth status, together with self-determination, would not only afford political latitude, but would allow Guam to achieve the economic freedom with which it could establish a higher standard of living for its people. The administering Power, however, was impeding the long-term economic growth of Guam. For example, Guam was precluded from participating in regional trade organizations such as the Asia-Pacific Economic Cooperation Council. In addition, the Jones Act, an anachronism totally contradictory to the General Agreement on Tariffs and Trade (GATT), remained in place.

26. More than ever, Guam needed to chart its own destiny, to be free to allow ships other than those from the United States to deliver goods to the island, and to forge its economic future on the basis of cooperation and trade. Guam wanted to be able to enter into economic alliances with its regional neighbours without the involvement of the administering Power and to regulate its own immigration and environment. At the same time, it wanted to start the dialogue that would give it the freedom to act on its own while remaining allied with the United States. The time for Chamorro self-determination had come.

27. With the help of the United Nations and the United States, Guam could realize its fullest potential. That could be achieved only through Chamorro self-determination.

28. Mr. Orsini withdrew.

29. At the invitation of the Chairman, Ms. Rios (Guahan Landowners United, Inc.) took a place at the petitioners' table.

30. Ms. RIOS, representing the only non-profit landowners' organization on Guam, said that land conflicts were continuing on Guam, as the administering Power, finding itself unable to support and maintain financially the real estate it had taken from private landowners, had suddenly decided to return large portions of its landholdings and military facilities to the Government of Guam. What had been taken from private landowners with little or no compensation was currently being transferred from the Federal Government to local government, with stringent requirements added in order to avoid any implications of guilt or liability. In accordance with those requirements, all lands returned had to be used for public purposes or as economic development parcels. That meant that the process had to be carried out under one of the federal programmes. Even if the local government were fully sympathetic to the former landowners and wanted to return their lands to them, the administering Power prevented it from doing so, by insisting on the aforementioned requirements.

31. The administering Power intended to complete the return of previously confiscated land within a brief period of three to eight years. A people deprived of an entire pre-war self-sufficient economy and forced by the lack of farmland into a humiliating dependence on the administering Power was now faced with the well-nigh impossible task of absorbing the loss of thousands of jobs and resisting certain economic decline. The population was divided: Chamorro against Chamorro, insider against outsider, citizens of one category against citizens of another. The administering Power was operating, as always, according to the maxim "divide and rule". The confiscation of over 63 per cent of the island's prime private properties had caused major social havoc: many families that had lost their homes had even been forced to leave the island. In order to deal with the consequences of a rapidly declining military economy, the land must be restored to the people; it must be circulated again in the economy by being returned to its lawful owners. The island could then take care of itself through taxation, despite the gradual loss of its military economy, but thanks to an increase in tourism.

32. She called on the administering Power to make an honest assessment of its land needs in Guam and to return the excess. Any further delay in returning lands to the Government of Guam, and ultimately to the original owners, would be inexcusable. It would be an affront to the people of Guam and could generate considerable tension in relations with the military authorities of the administering Power.

33. In conclusion, she invited the Committee to send a fact-finding mission to the island with the specific task of studying the manner in which lands were being returned by the administering Power.

34. She then read out the testimony of a resident of Guam, Ms. Borja, who had been born and raised on the island and whose family had lost most of its land in the 1950s during the large-scale land confiscation campaign by the military authorities of the administering Power. She described the sufferings of the older members of her family, who had been deprived of their means of subsistence and had received inadequate compensation from the military for the land they had lost. Citing examples from her parents' experience, she drew attention to practical inconsistencies in the payment of compensation. She associated herself with the position taken by the President of the University of Guam, Dr. John Camacho Salas, the full text of whose testimony had been attached to that of Mr. Artero. In particular, she noted that families which had been deprived of their ancestral lands had lost their internal interdependence so that the younger generations were settling in places other than their traditional villages. Children were unfamiliar with their family history and deprived of their cultural heritage. The family had eventually become a collection of individuals and was unable to fulfil its function as the basic unit of society. In conclusion, she expressed the hope that the aspirations of the Chamorro people, in particular those of her family members, would to some extent be fulfilled.

35. Ms. Rios withdrew.

Question of Western Sahara

36. The CHAIRMAN said that, following the consultations carried out in connection with the request by Mr. Ruddy for a hearing on the question of Western Sahara, the members of the Bureau suggested that the Committee might wish to adopt a decision in that connection.

37. Mr. LAMAMRA (Algeria) said that the circulation of requests for hearings as Committee documents was an established practice in the Committee that had never previously been violated. Unfortunately, as a result of the unwillingness of one delegation to follow that practice, the matter in question had been blown up out of all proportion. Unless the delegation that had raised the objection revised its position, thus enabling the Committee to take the only decision consistent with existing practice and good sense, namely that Mr. Ruddy's request for a hearing should be circulated, his delegation would request that a recorded vote should be taken on the question of the circulation of Mr. Ruddy's request as a Committee document and that the results of the vote should be reflected in the record of the meeting.

38. Mr. ZAHID (Morocco) noted that the delegation of Algeria was alone in insisting on a hearing for Mr. Ruddy. Its demand was at odds with the opinion of the Legal Counsel and of the United Nations inspectors, who had concluded, after painstaking inquiries, that none of Mr. Ruddy's assertions had any substance. It was the delegation of Algeria, therefore, that was trying to foist its view on others and was unwilling to join the majority.

39. Mr. LAMAMRA (Algeria), speaking on a point of order, noted that the matter under discussion was the circulation of Mr. Ruddy's request for a hearing and not the substance of the question concerned.

40. Mr. ZAHID (Morocco) said that his delegation requested that the Legal Counsel should inform the members of the Committee officially of his opinion concerning the possibility of a hearing for Mr. Ruddy, although, in his delegation's view, most members of the Committee were already aware of the Legal Counsel's conclusions.

41. The CHAIRMAN said that he had received the Legal Counsel's opinion privately and that it had not been circulated to delegations.

42. Mr. LAMAMRA (Algeria) said that the Committee did not have before it an official document stating the opinion of the Legal Counsel on the matter in question and requested that there should be no improper references to a document that did not exist in official form. At the same time, his delegation was prepared to hear the opinion of the Legal Counsel on the circulation of the request, if the delegation of Morocco so requested.

43. Mr. ZAHID (Morocco) officially requested that the Legal Counsel should be invited to present his opinion on the matter in question to the Committee.

44. The CHAIRMAN requested the delegation of Morocco to clarify the matter on which it wished to hear the Legal Counsel's opinion: on the circulation of the request for a hearing or in connection with the hearing itself.

45. Mr. ZAHID (Morocco) said that his delegation was interested in the Legal Counsel's opinion concerning the possibility of Mr. Ruddy participating in the discussion of the matter in question as a petitioner. Morocco considered that, as a former member of the United Nations Secretariat, Mr. Ruddy was ineligible to participate. It was therefore inappropriate to circulate his request for a hearing.

46. Mr. MWAMBULUKUTU (United Republic of Tanzania) doubted the legality of discussing Mr. Ruddy's request without having sight of it and supported the idea of holding a vote on the issue.

47. Mr. HOLOHAN (Ireland) proposed that, in order to speed up the work of the Committee, a decision should be taken on the question of whether Mr. Ruddy's request for a hearing should be circulated, if necessary by taking a vote. The Committee should then be informed of the opinion of the Legal Counsel.

48. Mr. ZAHID (Morocco) said that the question of the circulation of Mr. Ruddy's request was inextricably linked to the question of whether he should be given an immediate hearing. It made no sense to circulate the request if Mr. Ruddy was subsequently denied the opportunity to take part in the discussion. The meeting should therefore be suspended in order to seek the opinion of the Legal Counsel both on the question of whether Mr. Ruddy's request should be circulated and on the question of whether or not he should participate in the discussion. That would enable the Committee to proceed in the proper manner.

49. Mr. LAMAMRA (Algeria) reminded the Committee that its current practice did not and could not admit of any obstacles to the circulation of requests for hearings, otherwise the issue of censorship might arise. On the other hand, if such a request was not submitted officially, the Legal Counsel would have no basis for giving his conclusions on the substance of the matter. The Committee was required to adhere strictly to the existing procedure, by first of all circulating the request and then taking a decision on it.

50. At the request of the Mr. Zahid (Morocco), supported by Mr. Nuñez-Mosquiera (Cuba) and Mr. Lamamra (Algeria) and in accordance with rule 118 of the rules of procedure of the General Assembly, a recorded vote was taken on the proposal that the meeting should be suspended.

In favour: Belarus, Denmark, Djibouti, Gabon, Libyan Arab Jamahiriya, Malaysia, Morocco, Mozambique, Netherlands, Saudi Arabia, Senegal, United Arab Emirates.

Against: Algeria, Argentina, Armenia, Australia, Austria, Belgium, Botswana, Brazil, Canada, Cape Verde, Chile, Cuba, Ethiopia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Romania, Russian Federation, Slovakia, Spain, Swaziland, Sweden, Trinidad and Tobago, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United

Republic of Tanzania, United States of America, Uruguay, Venezuela, Zaire, Zambia, Zimbabwe.

Abstaining: Brunei Darussalam, Indonesia, Philippines, Rwanda, Singapore, Thailand, Togo, Turkey.

51. The proposal that the meeting should be suspended was rejected by 56 votes to 12, with 8 abstentions.

52. The CHAIRMAN, citing rule 131 of the rules of procedure of the General Assembly which stipulated that, when two or more proposals relating to the same question had been submitted, the proposals should be voted in the order in which they had been submitted, suggested that a recorded vote should be taken on the proposal by Algeria that Mr. Ruddy's request for a hearing should be circulated.

53. Mr. ZAHID (Morocco), speaking in explanation of vote before the voting, pointed out that decisions on questions relating to the circulation of communications and the hearing of petitioners were usually adopted by the Committee by consensus. To take a vote in the present instance might therefore set an undesirable precedent and his delegation would abstain. If the Legal Counsel had given a negative opinion concerning Mr. Ruddy's request for a hearing, the need to circulate his request and to take a vote on the question would never have arisen. He therefore urged other delegations to abstain also.

54. At the request of the representative of Algeria, a recorded vote was taken on the question of the circulation of Mr. Ruddy's request for a hearing.

In favour: Algeria, Argentina, Armenia, Australia, Austria, Bahamas, Belarus, Belgium, Bosnia and Herzegovina, Botswana, Brazil, Canada, Cape Verde, Chile, Croatia, Cuba, Cyprus, Denmark, Ecuador, Ethiopia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kenya, Lao People's Democratic Republic, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Mongolia, Mozambique, Netherlands, Nicaragua, Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Romania, Russian Federation, Rwanda, Slovakia, Spain, Swaziland, Sweden, Togo, Trinidad and Tobago, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Zambia, Zimbabwe.

Against: None.

Abstaining: Brunei Darussalam, Cameroon, Côte d'Ivoire, Djibouti, Gabon, Indonesia, Libyan Arab Jamahiriya, Morocco, Philippines, Saudi Arabia, Senegal, Singapore.

55. The Algerian proposal that Mr. Ruddy's request for a hearing should be circulated was adopted by 71 votes to none, with 12 abstentions.

56. The CHAIRMAN said that, in accordance with the decision that had just been adopted, Mr. Ruddy's request would be circulated as a document of the Committee and he would be heard at the following meeting. Replying to the comments by the representative of Cuba that certain delegations had already ascertained behind the Committee's back that the Legal Counsel was not in agreement with the Committee's working methods, he said that the Legal Counsel's opinion which he had sought had not been circulated among members of the Committee and that, if there were no objections, he would invite the Legal Counsel to state his opinion to the Committee.

57. It was so decided.

58. Mr. LAMAMRA (Algeria), referring to rule 112 of the rules of procedure of the General Assembly regarding statements by members of the Secretariat, proposed that in the current case the member of the Secretariat should make an oral statement; that would mean that delegations would have the right to ask additional questions, and that the document received by the Chairman could not be considered official if it was not circulated as an official document of the Organization in all the working languages.

59. Mr. ZAHID (Morocco) proposed that the opinion of the Legal Counsel should be circulated as an official document of the United Nations.

60. The CHAIRMAN, supported by Mr. MUMBENGEGWI (Zimbabwe), proposed that the consideration of the question should be deferred until the Legal Counsel had given an oral opinion.

61. It was so decided.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued) (A/50/23 (Part V, chap. IX and Part VI, chap. X; A/AC.109/2012, 2013 and Corr.1 and Add.1, 2014, 2015 and Add.1, 2016 and Add.1, 2017 and Add.1, 2018, 2019 and Add.1, 2020 and Add.1, 2021-2023, 2025, 2028, 2029 and Add.1; S/1995/240 and Add.1, 404, 779)

AGENDA ITEM 88: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued) (A/50/23 (Part IV, chap. VIII), A/50/458)

AGENDA ITEM 89: ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION (continued) (A/50/23 (Part III, chap. V))

AGENDA ITEM 90: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (continued) (A/50/23 (Part IV, chap. VII), A/50/212 and Add.1; A/AC.109/L.1838; E/1995/85)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/50/3, chap. V, sect. C)

AGENDA ITEM 91: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES (continued) (A/50/481)

62. Mr. PEREZ GRIFFO (Spain) said that the question of Gibraltar affected the sovereignty and territorial integrity of Spain. The approach taken to the question of Gibraltar in General Assembly resolutions clearly demonstrated that the decolonization of that Territory was not a so-called act of self-determination, but a case of the restoration of Spain's territorial integrity. That was confirmed by the provisions of General Assembly resolutions 2353 (XXII) of 19 December 1967 and 2429 (XXIII) of 18 December 1968. On the basis of that approach the General Assembly, starting in 1973, had called upon the Governments of Spain and the United Kingdom every year to continue their bilateral negotiations in order to put an end to the anachronistic colonial situation. In that connection both countries, in the Brussels Declaration of 27 November 1984, had undertaken to conduct negotiations on the future of Gibraltar, in the framework of which they would consider issues of sovereignty and mutually advantageous cooperation. The negotiations had begun in 1985 and were still continuing. Officials of Spain and the United Kingdom were maintaining regular contacts in order to ensure coordination of the negotiations, and the Ministers for Foreign Affairs of both countries were holding periodic meetings to monitor their progress.

63. Until 1988, when Mr. Bossano had become Chief Minister, the local authorities of the colony had participated in the dialogue. Spain once again called upon the local authorities to reconsider their position, abandon the policy of confrontation and join in the negotiating process. At a recent meeting at the ministerial level held in London on 20 December 1994, the Ministers for Foreign Affairs of Spain and the United Kingdom had confirmed their support for the process begun in Brussels, recognized the importance for Gibraltar of the establishment of a sustainable economy, and agreed to cooperate in combating the growing illicit trafficking in the Gibraltar area.

64. A number of measures had been taken in Gibraltar since July to combat the illicit trafficking of some types of goods, mainly tobacco and narcotic drugs. Spain wanted Gibraltar to prosper and develop; however, that could not be achieved through income from illicit trafficking, but only through the establishment of a sound economy. Spain would always take into account the individuality and legitimate interests of the inhabitants of Gibraltar and was convinced that those interests would be duly ensured within the broad framework of Spanish autonomy and within the context of the European Union.

The meeting rose at 12.45 p.m.